

REMARKS

This application has been carefully reviewed in light of the Office Action dated December 4, 2002 (Paper No. 16). Claims 46 to 48, 50, 51, 53, 55, 56, 60 to 62, 64, 66 and 76 to 94 and 97 to 114 are pending in the application, of which Claims 46, 50, 55, 64 and 76 to 85 are independent. Claims 95 to 96 are being deleted, and Claims 76 to 77 are being amended, herein. Reconsideration and further examination are respectfully requested.

Applicants submit herewith a copy of EP 606,287 cited in the September 16, 2002 Information Disclosure Statement, a copy of which is enclosed herewith, together with the Form PTO-1449 submitted therewith. Applicants respectfully request the Examiner to initial the appropriate portion of the Form PTO-1449 to indicate that the reference has been considered and made formally of record.

In addition, submitted herewith is a Request For Approval To Amend Drawings, in which Applicants request approval to amend Figure 26 to remove the "Prior Art" legend, which was mistakenly placed on the drawing. In this regard, a substitute drawing including this change accompanies the Request.

Finally and with respect to a procedural matter, Applicants request reconsideration of the indication of finality. More particularly, MPEP § 706.07(a) states:

"second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 C.F.R § 1.97(c) with the fee set forth in 37 C.F.R. § 1.17(p)."

Applicant's request reconsideration of the indication of finality in the Office Action dated December 4, 2002 ("the current Office Action"), since the current Office Action is believed to raise a new ground for rejection that is neither necessitated by Applicant's claim amendments nor based on submitted information submitted by Applicant under 37 C.F.R. §§ 1.97(c) and 1.17(p). More particularly, the current Office Action introduces a new ground in rejecting Claim 61, and makes the rejection final. Claim 61 was unamended in Applicant's September 10, 2002 Amendment, and the new ground of rejection of Claim 61 is not seen to be based on information submitted in an information disclosure statement as set forth in MPEP §706.07(a). Accordingly, it is believed that the indication of finality in the December 4, 2002 Office Action is premature, and reconsideration and withdrawal of such indication of finality are respectfully requested.

Turning to the rejection of Claims 95 and 96 under 35 U.S.C. § 112, second paragraph, their cancellation renders the rejection moot. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

By the Office Action, Claims 46, 48, 50, 51, 53, 55, 56, 62, 64, 66, 76 to 84, 87 to 94 and 97 to 114 have been rejected under 35 U.S.C. § 103(a) over WO 95/35534 (Combaluzier) and U.S. Patent 6,032,857 (Kitagawa), Claim 47 has been rejected under 35 U.S.C. § 103(a) over Combaluzier, Kitagawa and U.S. Patent 5,015,830 (Masuzawa), and Claims 60, 61, 85 and 86 have been rejected under 35 U.S.C. § 103(a) over Combaluzier, Kitagawa and U.S. Patent 6,308,202 (Cohn).

The invention concerns a card adapted for insertion into a card reader that communicates with a computer device. The card includes selectable indicia on a surface of

the card, and a storage device which stores memory references related to a memory device external to the card, the memory references being associated with the indicia.

The invention further relates to a card customizing apparatus and method, a card reader and method, and a computer device for communicating with the card reader (and method), all adapted for use of the card. In particular, in use, selection of one of the indicia while the card is inserted into the reader causes accessing of corresponding data stored in the external memory device, using the memory reference associated with the selected indicium.

In contrast, the card described in Combaluzier, while clearly a memory card that stores information, is not seen to store memory references to a memory device external to the card, and to associate indicia on the surface of the card with memory references, wherein selection of one of the indicia while the card is inserted into a card reader causes access of corresponding data stored in the external memory device using the memory reference associated with the selected indicium.

It is conceded in the Office Action, at page 4, that Combaluzier fails to teach these features. These features are also not understood to be shown or suggested by the remaining applied references to Kitigawa, Cohn and Masuzawa, either alone or in any permissible combination.

Kitigawa is seen to describe an electronic money system, which uses an IC card storing electronic money and other transaction data. Kitagawa is understood only to access a network address using a user's computer after the IC card is withdrawn from the card reader. (See Kitagawa, col. 8, lines 34 to 38.) Kitigawa, and in particular the cited portions thereof, is not seen to disclose associating indicia on the surface of a card with

memory references, wherein selection of one of the indicia while the card is inserted into a card reader causes access of corresponding data stored in the external memory device using the memory reference associated with the selected indicium.

Cohn and Masuzawa are also not seen to disclose associating indicia on the surface of a card with memory references, wherein selection of one of the indicia while the card is inserted into a card reader causes access of corresponding data stored in the external memory device using the memory reference associated with the selected indicium

Accordingly, it is believed that the claims herein recite subject matter that would not have been obvious over any permissible combination of the cited references.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


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